

² The Board notes that, following the July 7, 2021 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the caserecord that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On March 31, 2021 appellant, then a 55-year-old dental assistant, filed an occupational disease claim (Form CA-2) alleging that she injured her right hand due to factors of her federal employment. She indicated that, while performing her daily work routine, she developed a sharp pain in her right hand while holding dental suction equipment and periodontal charts. Appellant noted that she first became aware of her condition and realized its relationship to her federal employment on March 24, 2021. She did not stop work.

In an April 13, 2021 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and provided a questionnaire for her completion. By separate development letter of even date, OWCP requested additional information from the employing establishment, including comments from a knowledgeable supervisor on the accuracy of appellant's statements. It afforded both parties 30 days to submit the necessary evidence.

In a report dated April 19, 2021, Dr. Brad Smith, a family medicine specialist, noted that appellant related complaints of pain in her right hand, which she attributed to overuse while suctioning and handling charts. He performed a physical examination of the right hand and documented pain, decreased range of motion, and poor strength and tone. Dr. Smith diagnosed right hand pain and recommended a wrist brace and medication.

In an April 21, 2021 response to OWCP's development questionnaire, the employing establishment indicated that appellant's work duties included using her hands daily to assist the dentist; grasping suction and tools; and retraction of patient lips, cheeks, and tongue.

An electromyogram and nerve conduction velocity (EMG/NCV) study performed on May 25, 2021 revealed slight right CTS.

In a report dated May 27, 2021, Dr. Smith noted appellant's ongoing complaints, performed a physical examination, and diagnosed right hand pain, numbness, and tingling. He referred her for an orthopedic evaluation.

In a work status note of even date, Dr. Smith diagnosed right wrist pain and CTS. He released appellant to return to modified-duty work with no repetitive use of the right hand.

By decision dated July 7, 2021, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish a causal relationship between her right CTS and the accepted employment factors.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time

³ *Supra* note 1.

limitation of FECA,⁴ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁵ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.⁷

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁸ The opinion of the physician must be based upon a complete factual and medical background, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors.⁹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish right CTS causally related to the accepted factors of her federal employment.

In a report dated April 19, 2021, Dr. Smith noted that appellant related complaints of pain in her right hand which she attributed to overuse while suctioning and handling charts. He performed a physical examination of the right hand and documented pain, decreased range of motion, and poor strength and tone. Dr. Smith diagnosed right hand pain and recommended a wrist brace and medication. In a report dated May 27, 2021, he noted appellant's ongoing complaints, performed a physical examination, and diagnosed right hand pain, numbness, and tingling. Dr. Smith referred her for an orthopedic evaluation. In a work status note of even date, he diagnosed right wrist pain and CTS. Dr. Smith released appellant to return to modified-duty work with no repetitive use of the right hand. He, however, failed to provide an opinion on causal

⁴ *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *P.L.*, Docket No. 19-1750 (issued March 26, 2020); *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Dolores C. Ellyett, id.*

⁸ *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018).

relationship in these reports. The Board has held that medical reports lacking an opinion on causal relationship are of no probative value.¹⁰ Therefore, this evidence is insufficient to establish appellant's burden of proof.

OWCP also received an EMG/NCV study of the right wrist. The Board has held that diagnostic reports, standing alone, lack probative value on the issue of causal relationship as they do not provide an opinion as to whether the accepted employment factors caused a diagnosed condition.¹¹ Consequently, these diagnostic reports are also insufficient to establish appellant's claim.

As appellant has not submitted rationalized medical evidence sufficient to establish a medical condition causally related to the accepted employment factors, the Board finds that she has not met her burden of proof.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment.

¹⁰ *L.B., id.; D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹¹ *S.W.*, Docket No. 21-1105 (issued December 17, 2021); *W.L.*, Docket No. 20-1589 (issued August 26, 2021); *A.P.*, Docket No. 18-1690 (issued December 12, 2019).

ORDER

IT IS HEREBY ORDERED THAT the July 7, 2021 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 26, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board